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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,615	01/30/2006	Kym John Keightley	1849023US1ANP	9089
7590	05/31/2006		EXAMINER	
Joseph A Sebolt Sand & Sebolt Aegis Tower Suite 1100 4940 Munson Street NW Canton, OH 44718-3615			SCHRODE, WILLIAM THOMAS	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 05/31/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/536,615	KEIGHTLEY, KYM JOHN	
	Examiner	Art Unit	
	William Schröde	3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 May 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-10 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/26/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In regard to claims 1, 8 and 10, the scope of the claim is unclear because the applicant claims "a first and second locking means". The locking means does not clearly define the structure therefore the examiner is unclear whether the applicant is referring to the locking mechanisms or the carriage and rack. For examining purposes the examiner will interpret the locking means to refer to the key lock and motor, until further corrections are made.

In regard to claims 1 and 10, the scope of the claim is unclear because the applicant uses "piston" to define a structural element of the applicant's apparatus. The examiner is unclear how the structural element is a piston. The examiner will examine the claim as "best understood" as a member that linearly moves, until further corrections are made.

Claim 8 recites the limitation "rack cavity" in line 3 on page 5. There is insufficient antecedent basis for this limitation in the claim. The claim is unclear, since the locking means have not been clearly defined and a rack has not been previously introduced.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, pertaining to the second locking mean, a motor, a key activator and an electromechanical locking means must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Merilainen et al (5,199,288). In regard to claim 1, as “best understood”, Merilainen teaches a dual lock apparatus including a lock (5) moveable between an extended position outwardly and a second position inwardly, the apparatus including: a slider (34) moveable between a first position and a second position and including a first end associated with said lock such that movement of the slider causes corresponding movement of the lock, and a second end associated with a first locking means (18) and a second locking means (14) whereby independent operation of said first and second locking means is controlled by a clutch mechanism; said clutch mechanism including an aperture which extends through said slider and a piston (22) moveable between at least a first and second position within said slider aperture; said second locking means including a member (17) moveable between a first and second position, said member including an outwardly biased locking member (23) adapted to engage said slider aperture to thereby mechanically connect said second locking means with said slider to thereby effect movement of said slider upon movement of said member; said first locking means including a rotatable cam (21) such that when rotated said cam acts against said piston to thereby move said piston from said first position to said second

position to thereby mechanically connect said first locking means with said slider to thereby effect movement of said slider.

In regard to claim 2, Merilainen teaches the dual lock apparatus wherein the said first locking means disengages said second locking means.

In regard to claim 3, Merilainen teaches the dual lock apparatus wherein when said first locking means has locked said lock, said second locking means cannot lock said lock.

In regard to claim 4, as "best understood", Merilainen teaches the dual lock apparatus wherein at least one of said first and second locking means is electrically driven.

In regard to claim 5, as "best understood", Merilainen teaches the dual lock apparatus wherein said first locking means is a key activated locking means while said second locking means is an electromechanical locking means.

In regard to claim 7, Merilainen teaches the dual lock apparatus wherein when said slider interacts with said locking bolt so as to move into said first position, said slider resists withdrawal of said locking bolt.

In regard to claim 8, as "best understood", Merilainen teaches a dual lock apparatus including a locking bolt (5) moveable between a first locked position to engage with an external restraining means and a second unlocked position, said apparatus including: a slider (34) adapted to interact with said locking bolt so as to move it into said first and second position, said slider including at one end an aperture extending perpendicularly to the direction of motion of said slider, said aperture adapted

to house a slider abutment member (i.e. lower half of 22); said slider abutment member being moveable between a first position (i.e. the down position) whereby a surface of said slider abutment member is flush with a surface of said slider and a second position (i.e. the up position) whereby said surface of said slider abutment member is housed within said aperture; a carriage (i.e. upper half of 22) associated with said slider, said carriage including an abutment surface (29) said carriage further being moveable between a first position wherein said slider is located in said slider second position, and a second position thereby urging said slider into said slider first position (i.e when the carriage is positioned to the right); a first locking means (18) having a rotatable cam (21) means such that when rotated in a first direction so as to act against said carriage abutment surface thereby urging said carriage into said carriage second position and said slider abutment member into said first position to thereby urge the slider towards its first position and thereby outwardly extend said bolt; and when said cam is rotated in an opposite direction it acts to thereby urge the slider towards its second position to thereby inwardly retract said bolt; and a second locking means (14) adapted to be activated independent of said first locking means and including a moveable member (17 and 23) associated with said slider and being moveable between a first position whereby said bolt is inwardly retracted and a second position whereby said bolt is outwardly extended, said moveable member including an outwardly biased pin (23) housed within a rack cavity (31a and 31b) and being moveable between a first and a second position, in said first position (i.e. the pin is engaged with the rack cavity) said pin engaging with said slider aperture to thereby effectively mechanically couple said

second locking means to said slider and thus the bolt and in said second position (i.e. the pin is disengaged with the rack cavity) said pin forced into said cavity whereby said slider may freely move to thereby effectively decouple said second locking means from the slider, this occurring when said slider abutment member is in said member first position.

In regard to claim 9, as “best understood”, Merilainen teaches the dual lock apparatus further comprising a biasing member (33) and wherein when said cam discontinues urging of said carriage, said biasing member acts upon said pin to return it to said first position upon alignment of said pint said slider aperture.

In regard to claim 10, as “best understood”, Merilainen teaches a dual lock apparatus of the type including a locking bolt (5) moveable between a first locked position and a second unlocked position, said bolt movement corresponding with longitudinal movement of a slider (i.e. lower half of 22, engages the bolt when the slider is moved down to disengage the motor), said apparatus including: a first and a second locking means (14 and 18) adapted to operate independently of one another; said first locking means (18) including a rotatable cam (21) such that when rotated said cam acts against a moveable piston (i.e. upper half of 22) to thereby move said piston from a first position (i.e. an up position) to a second position (i.e. a down position) in which the second locking means (74) becomes disengaged from said slider and further rotation of the cam urges longitudinal movement of the slider (i.e. the cam engages the piston with an initial rotation, initiating the longitudinal movement, as the cam is rotated more the cam engages the piston more and pushes the piston down further); said second locking

means including an electric motor in geared connection to a member (17) moveable between a first position and a second position corresponding with the respective locked and unlocked positions of the bolt, said member including an outwardly biased pin (23) adapted to engage a cylinder (31b) associated with said piston and thereby urge said piston into said piston first position to thereby mechanically couple the second locking means with the slider.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Merilainen. In regard to claim 6, as “best understood”, Merilainen teaches the claimed dual lock apparatus but fails to teach both said first and second locking means are key activated. It is well known in the art to substitute locking means for other locking means. It would have been obvious to one with ordinary skill in the art at the time of the invention to modify Merilainen’s apparatus to include two key activated locking means, since such a modification would increase security and allow specific keys to operate the latch.

Conclusion

Art Unit: 3676

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Karkkainen et al, Sedley, Chiu, Flory et al, Kambic, Lin, Tsai, Flon, Keightley, and Merilainen et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Schrode whose telephone number is (571)272-1647. The examiner can normally be reached on Mon-Fri 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571)272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BRIAN E. GLESSNER
SUPERVISORY PATENT EXAMINER

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